

23 MAR 2007



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UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. Box 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE CA 92614

In re Application of	:	DECISION ON
Jong-Ok Lee	:	
Application No.: 10/581,331	:	
PCT No.: PCT/KR2004/000624	:	
Int. Filing Date: 22 March 2004	:	PETITION UNDER
Priority Date: 22 March 2003	:	
Attorney's Docket No.: COSDYN.001AP	:	
For: DISPOSABLE TISSUE AND PRODUCTION	:	
APPARATUS THEREOF	:	37 CFR 1.137(b)

This is a revised decision is in response to applicant's "PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 C.F.R. 1.137(b)," filed on 16 August 2006 and the letters submitted on 22 November 2006 requesting that the aforementioned application be expressly abandoned.

BACKGROUND

In a decision from this Office on 08 February 2007, the petition for revival was granted. Subsequent to this decision, it was discovered that applicant had submitted letters on 22 November 2006 expressly abandoning aforementioned application in favor of application 10/550, 440.

These letters were scanned into application 10/550,440 and were not available when the 08 February 2007 decision was mailed. In light of these letters, the decision of 08 February 2007 was in error and will be vacated with the mailing of this decision. These letters of 22 November 2006 will be scanned into aforementioned application.

DISCUSSION

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by (1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application; (2) the petition fee as set forth in § 1.17(m); and (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and (4) any terminal disclaimer (and fee as set forth in § 1.20 (d)) required pursuant to paragraph (c) of this section.

The petition is deemed to satisfy requirements (1), (2), (4), but item (3) under 37 CFR 1.137(b).

Petitioner has provided: (1) the proper reply by submitting the basic national filing fee, (2) the petition fee set forth in §1.17(m). In this application, no terminal disclaimer is required.

However, item (3) has not been satisfied because it appears that the abandonment was intentional as evidence by the letters on 22 November 2006.

Consequently, the petition is deemed to not to satisfy requirement (3) under 37 CFR 1.137(b).

DECISION

The decision mailed on 08 February 2007 is **VACATED** with the mailing of this decision.

The petition under 37 CFR 1.137(b) is **DISMISSED** without prejudice.

If reconsideration of the merits of the petition under 37 CFR 1.137(b) is desired, applicant must file a request for reconsideration within **TWO (2) MONTHS** from the mail date of this Decision. Failure to timely submit the proper reply will result in abandonment of the application. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.137(b)." Extensions of time are available under 37 CFR 1.136(a).

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



Rafael Bacares

PCT Legal Examiner

PCT Legal Office

Telephone: (571) 272-3276

Facsimile: (571) 273-0459